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YAHOO! INC. C/O GREENBERG TRAURIG, LLP			TIMBLIN, ROBERT M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/718,869	SOMAROO ET AL.	
	Examiner	Art Unit	
	ROBERT TIMBLIN	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 September 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

This Office Action corresponds to application 10/718,869 filed 11/20/2003.

Response to Amendment

Claims 1-15 are pending. No amendments or claim additions or cancellations have been made in the reply filed 9/11/2008. Examiner's response to Applicant's arguments begins on page 14 of this document.

35 USC § 101 Remarks

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Upon further examination, claims 1-13 have been carefully reviewed and determined to be nonstatutory claims. In particular, these claims recite a method (process) while lacking necessary language (e.g. the recitation of hardware) to tie the method with a statutory category (i.e. a particular apparatus in accordance with MPEP 2106.IV.B) of invention. Examiner acknowledges these claims recite using a database (supported, for example, in paragraph [0034] as an *exemplary* embodiment); however, a database may merely be a software embodiment and cannot be seen as necessary hardware to tie the particular methods to a statutory category.

In order for the method claims to be statutory they should positively recite the other statutory class (e.g. by identifying the apparatus that accomplishes the method steps) that the

method is tied to as to impose meaningful limits on the claim's scope and to impart patent-eligibility.

In accordance with 35 U.S.C. 101, claim 14 has been reviewed and determined that the system claimed therein is statutory under this heading. Specifically, the system of claim 14 appears to include hardware (i.e. Applicant's publication at [0036] disclosing a server system including well known processors and further the "devices" [0013] as being electronic computing devices) and not directed towards software *per se* or functional descriptive material.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 6-8, and 10-15 are rejected under 35 U.S.C. 102(e) as being taught by Joao U.S. Patent 6,662,194 B1. In the following passages and figures, Joao teaches:

With respect to claim 1, A method comprising:

receiving inquiry data (col. 22 line 13-19 and col. 28 line 52-65; i.e. information such as resume and/or any other pertinent data of an individual interested in a job that is obtained and stored in database 10H) related to an inquiry (i.e. job search, abstract. Also see col. 22 line 54-58; i.e. the individual decides whether he or she wishes to apply for any of the reported jobs

describes at least an inquiry for a job found in a listing service) of a user (col. 11 line 45-53, i.e. an individual, prospective employee, applicant etc...) with a listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100; i.e. employers posting or listing jobs with apparatus 100 describes a listing service) about a listing (e.g. a job) posted by an entity (col. 5 line 4; e.g. hiring entities) other than the user (col. 4 line 35-47; i.e. an individual wishing to apply for the job);

creating a user's lead (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer, col. 22 line 57-58 and drawing reference 215; an individual's applying for a job) in response to the user's inquiry (col. 22 line 13-19 and figure 5A; i.e. information such as resume and/or any other pertinent data that is obtained and stored in database 10H), the user's lead (col. 6 line 35-36; e.g. offers that are tracked by the individuals) is to be pursued (col. 6 line 36; tracking all offers and col. 23 line 65-66) by the user (col. 11 line 45-53, i.e. an individual, prospective employee, applicant etc...) that makes the inquiry (col. 22 line 54-58; i.e. a decision to apply for a job) with the listing service (100), the user's lead being (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer) created using the received inquiry data (abstract);

storing the user's lead (figure 5A) as a lead record (col. 6 line 35-41 and col. 39 line 61-67); i.e. all offers and/or rejections involving any and all jobs, employment positions, are recorded) in a database (10H);

creating an action record (drawing reference 220) associated with the user's lead (figure 5A) each time an action to be taken in furtherance of the user's lead is identified (col. 15 line 5-8; i.e. the individual desiring to be notified of certain jobs. See also col. 23 lines 39-46; i.e. a

message (i.e. action record) indicates a requesting of additional and/or more specific data (i.e. in furtherance) from an individual);

storing the action record (col. 22 line 63-66) in the database (col. 23 line 26-34 and drawing reference 10H), the lead (col. 23 line 26-34) and action records (col. 22 line 63-66) comprising information to provide the user (col. 11 line 45-53, i.e. an individual) with a status (col. 4 line 57-60 and col. 6 line 35-37) of the user's lead (figure 5A); and

communicating a user interface (drawing reference 20E) accessible by the user (col. 11 line 45-53, i.e. an individual and col. 14 line 59-60; i.e. an individual accessing their data) that comprises information from the lead (col. 14 line 59-60; i.e. access to the individual's data in database 10H) and action records (col. 22 line 63-66) and information related to the user's lead (figure 5A) received from one or more ancillary services (col. 22 line 51-53, col. 23 line 5-13).

With respect to claim 2, the method of claim 1, wherein the listing service is a web site having job postings listed thereon (col. 5 line 4-5, col. 29 line 9).

With respect to claim 6, the method of claim 1, wherein the listing service is a web site having auction items listed thereon (col. 32 line 37).

With respect to claim 7, the method of claim 1, wherein the ancillary service is electronic mail (col. 4 line 66).

With respect to claim 8, the method of claim 1, wherein the ancillary service is an advertising system (col. 6 line 29).

With respect to claim 10, the method of claim 1, wherein the ancillary service is a news system (col. 29 line 10-15).

With respect to claim 11, the method of claim 1, wherein the step of receiving inquiry data related to an initial inquiry of the user with the listing service further comprises:

receiving inquiry data (abstract) from an application operative on a computing device (figure 1) of the user (col. 11 line 45-53, i.e. an individual).

With respect to claim 12, the method of claim 1, wherein the steps of receiving inquiry data related to an inquiry of a user with a listing service and creating a user's lead to be pursued by the user that makes the inquiry with the listing service, the user's lead being created using the received inquiry data further comprise:

receiving inquiry data (abstract) from a user computer at the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100);

capturing the inquiry data (abstract) at the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100);

at the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100);

making a remote procedure call to access an application programming interface from the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100) to a tracking

system (col. 6 line 36-36) operative with programming to create the user's lead record (col. 6 line 35-41 and col. 39 line 61-67); i.e. all offers and/or rejections involving any and all jobs, employment positions, are recorded);

transmitting the inquiry data to the tracking system from the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100); and

creating a user's lead (col. 4 line 57-60, col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer) to be pursued (col. 23 line 53-67, col. 24 line 1-7) by the user (col. 11 line 45-53, i.e. an individual) that makes the inquiry with the listing service, the user's lead being created using the received inquiry data (abstract);

With respect to claim 13, A method comprising:

receiving inquiry data (abstract) from a user computer (drawing reference 20) at a listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100) about a listing (e.g. a job) posted by an entity (col. 5 line 4; e.g. hiring entities) other than the user;

capturing the inquiry data (abstract) at the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100);

transmitting the inquiry data to the tracking system from the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100);

creating a user's lead (col. 4 line 57-60, col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer) in response to the user's inquiry (col. 22 line 13-19 and figure 5A; i.e. information such as resume and/or any other pertinent data that is obtained and stored in database 10H), the user's lead is to be pursued (col. 23 line 53-67, col. 24 line 1-7) by the user

that makes the inquiry (col. 22 line 54-58; i.e. a decision to apply for a job) with the listing service (100), the user's lead being (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer) created using the received inquiry data (abstract);

storing the user's lead as a lead record (col. 6 line 42-44) in a database (drawing reference (10H);

creating an action record (col. 22 line 63-66) associated with the user's lead (figure 5A) each time an action to be taken in furtherance of the user's lead is identified (col. 23 line 39-46; i.e. a message (i.e. action record) indicates a requesting of additional and/or more specific data (i.e. in furtherance) from an individual);

storing the action record (col. 22 line 63-66) in the database (col. 23 line 26-34 and drawing reference 10H), the lead (col. 23 line 26-34) and action records (col. 22 line 63-66) comprising information to provide the user (col. 11 line 45-53, i.e. an individual) with a status (col. 4 line 57-60) of the user's lead (figure 5A); and

communicating a user interface (drawing reference 20E) accessible by the user (col. 11 line 45-53, i.e. an individual and col. 14 line 59-60; i.e. an individual accessing their data) that comprises information from the lead (col. 14 line 59-60; i.e. access to the individual's data in database 10H) and action records (col. 22 line 63-66) and information related to the user's lead (figure 5A) received from one or more ancillary services (col. 22 line 51-53, col. 23 line 5-13).

With respect to claim 14, A system comprising:

a server system (drawing reference 10) accessible via one or more networks (figure 1) by one or more computing devices (drawing references 20, 30) of a user (drawing reference 20) and

capable of communicating with one or more listing services (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100) via one or more of the networks (figure 1);

a database system (drawing reference 10H) in communication with the server system (figures 12-4);

the server system (drawing reference 10) comprising programming (col. 6 line 14-16) to receive data from the listing services (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100) related to an inquiry by a user about a listing (e.g. a job) posted with a listing service (100) by an entity (col. 5 line 4; e.g. hiring entities) other than the user (col. 4 line 35-47; i.e. an individual wishing to apply for the job), generate a user's lead (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer and col. 22 line 57-58; an individual's applying for a job) in response to the user's inquiry (col. 22 line 13-19 and figure 5A; i.e. information such as resume and/or any other pertinent data that is obtained and stored in database 10H), the user's lead (offer) is to be pursued by the user (col. 11 line 45-53, i.e. an individual, prospective employee, applicant etc...) that makes the inquiry (col. 22 line 54-58; i.e. a decision to apply for a job) with the listing service (100), the user's lead being (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer) created using the data received from the listing services, and store the user's lead as a lead record in the database system;

wherein the server system further includes programming (col. 6 line 14-16) to communicate a user interface (drawing reference 20E) accessible to the user that comprises a summary (col. 24 line 22-49; i.e. Joao discloses recording information up to a point of interaction between an individual and employer) of the user's (col. 11 line 45-53, i.e. an individual) lead (col. 23 line 26-34);

wherein the server system further comprises programming (col. 6 line 14-16) to interact with at least one ancillary service system (col. 22 line 51-53, col. 23 line 5-13) and provide information generated or received into the ancillary service system (col. 22 line 51-53, col. 23 line 5-13) to the user (col. 11 line 45-53, i.e. an individual); and

wherein the server system further comprises programming (col. 6 line 14-16) to receive action data (col. 6 line 35-40), generate an action record (col. 22 line 63-66) corresponding to an action to be taken in furtherance of the user's lead (col. 23 line 39-46; i.e. a message (i.e. action record) indicates a requesting (an action to be taken) of additional and/or more specific data (i.e. in furtherance) from an individual), store the action record (col. 22 line 63-66) in the database system (10H), and provide information about the action record to the user, the lead (col. 23 line 26-34) and action records (col. 22 line 63-66) comprising information to provide the user (col. 11 line 45-53, i.e. an individual) with a status (col. 4 line 57-60) of the user's lead (figure 5A).

With respect to claim 15, A tracking system comprising:

a server-side component (drawing reference 10) operative on a server system (drawing reference 100) capable of communication with a network (figure 1), the server-side component (drawing reference 10) comprising programming to:

receive inquiry data (abstract) related to an inquiry (i.e. job search, abstract) of a user (col. 11 line 45-53, i.e. an individual) with a listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100) about a listing (e.g. a job) posted by an entity (col. 5 line 4; e.g. hiring entities) other than the user (col. 4 line 35-47; i.e. an individual wishing to apply for the job);

create a user's lead (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer and col. 22 line 57-58; an individual's applying for a job) in response to the user's inquiry (col. 22 line 13-19 and figure 5A; i.e. information such as resume and/or any other pertinent data that is obtained and stored in database 10H), the user's lead is to be pursued (col. 6 line 36; tracking all offers and col. 23 line 65-66) by the user (col. 11 line 45-53, i.e. an individual, prospective employee, applicant etc...) that makes the inquiry (col. 22 line 54-58; i.e. a decision to apply for a job) with the listing service (100), the user's lead being (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer) created using the received inquiry data (abstract);

communicate a user interface (drawing reference 20E) accessible to the user (col. 11 line 45-53, i.e. an individual) that comprises a summary (col. 24 line 22-49; i.e. Joao discloses recording information up to a point of interaction between an individual and employer) of the user's (col. 11 line 45-53, i.e. an individual) lead (col. 23 line 26-34);

interact with at least one ancillary service system (col. 22 line 51-53, col. 23 line 5-13) and provide information generated or received into the ancillary service system (col. 22 line 51-53, col. 23 line 5-13) to the user (col. 11 line 45-53, i.e. an individual); and

generate and store an action record (drawing reference 220) each time an action to be taken in further of user's lead is identified (col. 23 line 39-46; i.e. a message (i.e. action record) indicates a requesting of additional and/or more specific data (i.e. in furtherance) from an individual), and provide information from the action record to the user (col. 11 line 45-53, i.e. an individual), the lead (col. 14 line 59-60; i.e. access to the individual's data in database 10H) and action records (col. 22 line 63-66) comprising information to provide the user (col. 11 line 45-53,

i.e. an individual) with a status (col. 4 line 57-60 notice of job availability and col. 35 line 15-20; i.e. notifying the individual of acceptance or rejection of an offer) of the user's lead (figure 5A).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao as applied to claims 1-2, 6-8, and 10-15 in view of Rinebold et al. ('Rinebold' hereafter) U.S. Patent 6,968,513 B1.

With respect to claim 3, Joao fails to explicitly teach wherein the listing service is a web site having personal ads listed thereon.

Rinebold, however, teaches wherein the listing service is a web site having personal ads listed thereon (abstract, figure 10A-10C, i.e. self postings) to enable on-line users to view business listings.

In the same field of endeavor, (i.e. listing services), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Rinebold would have given Joao an effective way to target users of the system for the benefit of an efficient job search. Rinebold discloses geographic targeting (col. 3 line 62-67) of users for organizing internet information based on

geographic categories (col. 5 line 1-5), which Joao could have used to help a user efficiently locate a job (Joao at col. 4 line 42).

Similar claims 4-5 are rejected for the same rationale as the rejection of claim 3, as the web page of (10A) is a site having real estate postings and automobile postings. See also the abstract where Rinebold further teaches a website having classified listings.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao as applied to claims 1-2, 6-8, and 10-15 in view of Wilkins et al. ('Wilkins' hereafter) U.S. Patent 6,868,389 B1.

With respect to claim 9 Joao fails to explicitly teach wherein the ancillary service is a road navigation system.

Wilkins, however, teaches wherein the ancillary service is a road navigation system (col. 10, line 56-65) to locate a listing.

In the same field of endeavor, (i.e. listing services), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Wilkins would have given a user of Joao's system an efficient way to better locate a listing (Joao at col. 4 line 42).

Response to Arguments

Applicant's arguments filed in the remarks dated 9/11/2008 (herein 'reply') have been fully considered but they are not persuasive.

Applicant argues on pages 6-8 that the cited references do not teach a user interface communicated to the user that comprises information from the lead and action record and information related to the user's lead received from one or more ancillary services. Specifically, Applicant argues that the Joao reference fails to disclose these features.

Examiner respectfully disagrees and maintains that Joao does teach these features. Specifically, as noted in the office action above, Joao teaches a lead record (col. 6 line 35-41 and col. 39 line 61-67) and action records (e.g. drawing reference 220). For example, Joao describes *recording* an individual's offer (col. 39 line 35; further recording that data in database 10H, col. 39 line 61-65) and therefore describes generating lead record. Also, Joao teaches "if an employer is interested in pursuing discussions with the individual, then computer 10 will at step 220 notify the individual by transmitting a message to the individual" (Joao, col. 23 line 36-51). Such a message may contain further requirements to the individual for requesting additional information for the employer (Joao, col. 23 line 45-51) and thus requires an "action" upon the individual.

In these teachings, Joao teaches a user tracking (i.e. pursuing) a lead (e.g. offer for employment) and communicating to the user further information concerning that lead. The Examiner submits that a message from an interested employer through computer 10 informing the user about the lead (offer) as well as the message being an action record describes both

aspects that Applicant is traversing. In other words, the message presented to the user concerns the offer (i.e. to teach information from the lead) and further is a record of action for the individual to take.

Applicant further disagrees that this information is received from one or more ancillary services. Examiner respectfully disagrees and maintains that the message (described directly above) may be described as an e-mail (see Joao, col. 23 lines 5-13; i.e. “Any data and/or information described as being transmitted between the parties, and/or between the respective computers can be transmitted electronically, such as via *e-mail...*”). Therein, the Examiner submits that if Applicant considers one or more ancillary services to be at least e-mail (reply, page 7, first full paragraph), then Joao anticipates this aspect of Applicant’s claims by providing an e-mail service for communicating messages related to a user’s lead.

Examiner submits in light of the foregoing, all rejections presented are maintained.

Conclusion

Although the Applicant’s arguments have been found unpersuasive, the introduction of the section 101 rejection above to claims 1-13 necessitate this Office Action to be non-final.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT TIMBLIN/

Examiner, Art Unit 2167

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167